

REMARKS

In the Office Action mailed October 17, 2007, the Examiner noted that claims 1-3, 6-9, 11-26, 28-40, 44 and 46-54 were pending, and rejected all claims. Claims 1, 22, 26, 33, 39 and 54 have been amended and claims 1-3, 6-9, 22-26, 28-30, 32-34, 37-39 and 54 are pending under consideration. No new matter has been added. The Examiner's rejections are traversed below.

Claim Rejections Under 35 U.S.C. § 101

The Examiner rejected claims 1-3, 6-9, 11-26, 31-32, 44 and 46-51 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. The Examiner alleged that claims 1-3, 6-9, 11-25, 44 and 46-49 recite a method where there is no useful, concrete and tangible result and the claimed invention lacks a final result of calculating a popularity transition degree, which has practical application in the real world.

By this Amendment, a limitation "outputting the popularity transition degree." has been added to claim 1 and 22, and the limitation is, for example, described in specification in page 62, lines 13 through 21.

Claims 2-3 and 6-9 depend from claim 1, and claim 23-25 depend from claim 22.

Claims 11-21, 44 and 46-49 have been canceled.

Therefore, the Applicant respectfully request the withdrawal of the Examiner's § 101 rejections of claims 1-3, 6-9, 11-25, 44 and 46-49.

The Examiner alleged that claims 26, 31-32, 50 and 51 under 35 U.S.C. § 101 recite a computer-readable storage medium stores program (software program) stores on a medium such as CD-ROM, DVD without being executed by a computer system containing all physical objects that must be well-defined in the specification.

However, the computer-readable storage medium is, for example, described in specification in page 76, line 12 through page 77, line 4 (especially, page 77, lines 1 through 4).

Claims 31, 50 and 51 have been canceled.

Therefore, the Applicants respectfully request the withdrawal of the Examiner's § 101 rejections of claims 26, 31-32, 50 and 51.

Claim Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 1-3, 6-9, 26, 28-30, 33, 34, 38, 39, 44 and 46-54 under 35 U.S.C. § 103(a) as being unpatentable over "A Connectivity Analysis Approach to Increasing Precision in Retrieval from Hyperlinked Documents", Cathal Gurrin et al., publication 1999 (hereafter Cathal) in view of "The Content and Access Dynamics of a Busy web site: findings and implications", Venkata Padmanabhan et al., copyright 2000 ACM.

The Examiner alleged that Cathal teaches "extracting the document updated or collected during a first time period", "calculating a popularity degree of each of the extracted documents during the first time period" and "extracting a popularity degree from the calculated popularity degree during a second time period" in claim 1 of the present invention.

However, Cathal discloses only how to make a dataset for test of a system which Cathal and Alan provide (section 3.1 lines 3 through 13) by extracting 247,491 HTML documents which are contained in 1081 separate text files, from the TREC dataset which is made preparation in advance.

Claim 1 of the present application recites a popularity degree calculation method for calculating a popularity degree indicating the height of a popularity of a document in a network via an apparatus connected with the network include "extracting documents updated or newly collected during a first time period; calculating a popularity degree of each of the extracted documents during the first time period; extracting a popularity degree from the calculated popularity degree during a second time period" to solve problems such as a document that is left without being updated after being prepared can be eliminated from targets for which the popularity degree are calculated (page 20, lines 17 through 19).

The Examiner alleged that Padmanabhan teaches "calculating a popularity transition degree indicating both a direction and a degree of transition of the popularity degree for each of the extracted documents based on the popularity degree during the first time period and the second time period," in claim 1 of the present invention.

However, Padmanabhan discloses a method for predicting Web pages ranking based on access log (a number of access) in, for example, section 5.2.1.

Claim 1 of the present application recites a popularity degree calculation method for calculating a popularity degree indicating the height of a popularity of a document in a network via an apparatus connected with the network include "calculating a popularity transition degree indicating both a direction and a degree of transition of the popularity degree for each of the extracted documents based on the popularity degree during the first time period and the second time period, to thereby obtain a difference indicating how the popularity degree of each of the documents changes in a time series order".

As discussed above, Cathal dose not disclose or suggest "extracting the document updated or collected during a first time period", "calculating a popularity degree of each of the extracted documents during the first time period" and "extracting a popularity degree from the calculated popularity degree during a second time period" in claim 1.

Padmanabhan dose not disclose or suggest "calculating a popularity transition degree indicating both a direction and a degree of transition of the popularity degree for each of the extracted documents based on the popularity degree during the first time period and the second time period," in claim 1.

Therefore, Cathal and Padmanabhan dose not discuss or suggest at least the feature of claim 1. Also, the Applicant respectfully submits that the Examiner has provided no proper basis for the combination of Cathal with Padmanabhan.

Claims 2-3, 6-9 depend from claim 1. Claims 23-25 dependent from claim 22. Claims 28-30 dependent from claim 26. Claims 34 and 37-38 dependent from claim 33. Furthermore, claims 22, 26, 32, 33, 39 and 54 have main feature of claim 1, therefore, claim 2-3, 6-9, 22-26, 28-30, 32-34, 37-39 and 54 patentably distinguish over Cathal in view of Padmanabhan for the reasons discussed above with respect to claim 1.

Conclusion

It is believed that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.

There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 193935.

Respectfully submitted,

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